

2. Prior to this case being filed, it was understood by the undersigned that the deceased, Gerardo Contreras (hereinafter “Gerardo”), had fathered no children and that that his mother was deceased. Accordingly, it was believed that Gerardo’s “estate” would consist only of his living

father, Jose A. Contreras – the only true Plaintiff in this case.

3. During recent negotiations concerning settlement of this matter, it came to the undersigned's attention that Gerardo did in-fact have children and that because of the existence of those potential parties/heirs (whom the undersigned counsel do not represent), the undersigned could not proceed with the estate claims.

4. Based on such, Plaintiffs move to dismiss the claims of Maria D. Contreras, *as Representative of the Estate of Gerardo Contreras* ("The Estate"), against all defendants in this case.

5. Defendants, who have all filed an answer, oppose such dismissal.

6. This case is not a class action and a receiver has not been appointed.

7. This action is not governed by any statute of the United States that requires an order of the Court for dismissal of this cause.

8. Said Plaintiffs have not dismissed an action based on or including the same claim or claims as those presented in this suit.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiffs pray that the Court dismisses The Estate's claims against all Defendants, without prejudice and grant all further relief, either at law or equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

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By: /s/ Christopher J. Gale

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By: /s/ Amie Augenstein  
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*Attorney for Plaintiff*

### **CERTIFICATE OF CONFERENCE**

The undersigned counsel hereby certifies that he conferred with counsel for Defendants and that counsel for Defendant City of Corpus is opposed and that based on a lack of response from counsel for the individual defendants, they are assumed to be opposed as well.

/s/ Christopher J. Gale  
Christopher J. Gale

### **NOTICE OF ELECTRONIC FILING**

The undersigned counsel hereby certifies that he has electronically submitted for filing a true and correct copy of the above and foregoing in accordance with the Electronic Case Files System of the Southern District of Texas on the 1<sup>st</sup> day of June, 2020.

/s/ Christopher J. Gale  
Christopher J. Gale

### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 1<sup>st</sup> day of June, 2020, the above and foregoing was sent to the following counsel of record by the means indicated below:

Lilia K. Castro  
Assistant City Attorney  
City of Corpus Christi-Law Department  
P. O. Box 9277  
Corpus Christi, Texas 78469-9277

***Via E-File Notification***

John B. Martinez  
Marion M. Reilly  
Jessica J. Pritchett  
HILLIARD MARTINEZ GONZALES, LLP  
719 South Shoreline Blvd.  
Corpus Christi, Texas 78401

***Via E-File Notification***  
***Via E-File Notification***  
***Via E-File Notification***

/s/ Christopher J. Gale  
Christopher J. Gale